

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALLAN CHIOCCA,
Plaintiff,

VS.

TOWN OF ROCKLAND, DEIRDRE
HALL, EDWARD KIMBALL, LARRY
RYAN, MICHAEL MULLEN, JR.,
MICHAEL O'LOUGHLIN, RICHARD
PENNY and KARA NYMAN,
Defendants

C.A. NO. 1:19-cv-10482-WGY

**DEFENDANT EDWARD KIMBALL'S
MOTION FOR SUMMARY JUDGMENT**

Defendant Edward Kimball moves for summary judgment on every count of the Complaint which implicates him, specifically Counts 2, 3, 4, 7, 9, 11, 13, 15, 19, 21, 23, 34, 36, and 37. He states that there is no genuine dispute as to any fact which is material to disposition of any claim against him, and that on the undisputed facts, he is entitled to summary judgment on all Counts of the Complaint in which he is included. In support, Defendant states as follows:

1. He is a former member of the Town of Rockland Board of Selectmen, and a former Chairman. In all of the Counts against him, except Counts 21 and 34, he is joined with defendants Town of Rockland, and Larry Ryan, Michael Mullen, Jr., Michael O'Loughlin, Richard Penney and Kara Nyman who are also present or former members of the Rockland Board of Selectmen (the "Rockland Defendants"). He joins and relies upon the Rockland Defendants' Statement of Material Fact.

2. Defendant Kimball also submits an accompanying Supplemental Statement of Material Facts containing additional facts which are of particular relevance to certain individual claims against him.

3. Where indicated in the accompanying Memorandum, defendant also joins and relies upon the Rockland Defendants' Memorandum of Law.

WHEREFORE, Mr. Kimball respectfully requests that this Court enter summary judgment in his favor against Mr. Chiocca on all counts against Mr. Kimball.

Dated: November 15, 2021

Respectfully submitted,

EDWARD KIMBALL

By his attorneys,

/s/ Tara D. Dunn

Howard M. Cooper (BBO # 543842)

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DEFENDANT'S CERTIFICATION PURSUANT TO LOCAL RULE 16.1(d)(3)

Pursuant to Local Rule 16.1(d)(3), Defendant Edward Kimball and his counsel hereby certify and affirm that Counsel conferred via email on November 11, 2021 concerning the dispositive motion.

Signed under the penalties of perjury on this 15th day of November 2021.

/s/ Tara D. Dunn

Tara D. Dunn

CERTIFICATE OF SERVICE

I hereby certify that the foregoing, filed through the Electronic Case Filing System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that a paper copy shall be served upon those indicated as non-registered participants on November 15, 2021.

/s/ Tara D. Dunn